

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD KATZ,

Plaintiff

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS, et al.,

Defendants

CIVIL ACTION NO. 3:15-CV-1187

(Judge Mariani)

(Magistrate Judge Saporito)

FILED
WILKES BARRE

SEP 01 2015

ORDER

Per

MB

This case has been referred to a magistrate judge pursuant to the case assignment and referral plan of the Middle District of Pennsylvania.

Case management dates, including the trial date, will be established for this case at the case management conference under the working assumption that the parties will consent to have the magistrate judge conduct all proceedings, including jury or non-jury trial and entry of judgment. To facilitate the earliest placement of the case upon the trial list of a district judge in the event there is not consent, and to preclude any communication to the court of the consent or non-consent of particular parties in the absence of mutual consent, a deadline for the declaration of consent will be made a part of the case management plan for this case. On or before the deadline, counsel shall jointly sign and submit a statement that there is consent to proceed before a magistrate judge or that there is not consent to proceed before a magistrate

judge. It should be assumed by the parties that the case will remain under the pre-trial supervision of the magistrate judge, whether or not there is consent to proceed to trial and judgment before the magistrate judge. See, 28 U.S.C. § 636.

AND NOW, this 1st day of September, 2015, IT IS HEREBY ORDERED THAT:

1. A telephonic case management conference will be conducted by the court on **September 14, 2015 at 10:30 a.m.** In view of plaintiff's *pro se* status, the conference shall be initiated by the Court.

2. The primary purpose of this conference will be to establish case management deadlines to enable this action to go forward as efficiently as possible. Participation in this conference by counsel or by pro se litigants is mandatory.

3. If counsel of record is unable to participate in the conference, the court shall be notified of the name of the substitute counsel two business days in advance of the date of the conference. The telephone number to call is (570)831-2570.

4. Counsel are advised to comply with Rule 16.3(a) of the Rules of Court for the Middle District of Pennsylvania. Local Rule 16.3 requires lead counsel for each party to meet prior to the management conference and complete a "Joint Case Management Plan" form. **The completed form, which is set forth in Appendix A of the local rules, must be filed at least five days prior to the conference.**

5. Counsel shall also complete the attached Scheduling Order, which shall contain the dates set forth in the Joint Case Management Plan. The completed scheduling order shall be either mailed to the following address or FAXED to 570-821-4009, and must be received no later than **three (3)** business days prior to the joint case management conference:

Honorable Joseph F. Saporito, Jr.
United States Magistrate Judge
Max Rosenn United States Courthouse
197 South Main Street
Wilkes-Barre PA 18701

6. Counsel shall note that this district has not opted out of Federal Rule of Civil Procedure 26. The joint case management plan contemplates discovery prior to the Rule 26(f) meeting and is, therefore, deemed to be an exception to the limitation on discovery contained in the first sentence of Rule 26(d). Counsel shall not cease active discovery pending disposition of a motion to dismiss.

7. At the case management conference, the captioned action will be placed on one of the following tracks:

- a. **Fast Track** - Referring the case to a United States Magistrate Judge for recommendations.
- b. **Expedited Track** - Setting a trial date of not more than 240 days from the filing of the complaint.
- c. **Standard Track** - Setting a trial date of not more than 365 days from the filing of the complaint.

d. **Complex Track** - Setting a trial date in excess of 365 days from the filing of the complaint.

8. The parties are advised that once the deadlines have been established, extensions of those time periods will not be granted, except under exceptional circumstances.


JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

Dated: September 1, 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD KATZ,	:	CIVIL ACTION NO. 3:15-CV-1187
	:	
Plaintiff	:	(Judge Mariani)
	:	
v.	:	(Magistrate Judge Saporito)
	:	
NATIONAL BOARD OF MEDICAL	:	
EXAMINERS, et al.,	:	
	:	
Defendants	:	

SCHEDULING ORDER

A joint case management conference has been conducted in the above-captioned action. Although the parties have stated that they do not consent to the jurisdiction of the magistrate judge, this court will continue to oversee the pre-trial management of the matter.

AND NOW, this ____ day of **September, 2015**, **IT IS HEREBY ORDERED THAT** the following case management deadlines are established in the above-captioned action:

1. **Discovery.** All discovery shall be completed by _____.
2. **Expert Reports.** Reports of Plaintiffs' retained experts shall be produced by _____. Reports of Defendants' retained experts shall be produced by _____. Supplementations shall be due _____.

3. Joinder of Parties. Any joinder of parties shall be accomplished by

_____.

4. Amendments. Amendments to the pleadings shall be filed by

_____. Said amendment shall be accompanied by either motion or written consent by adverse party, as required by Rule 15(a), Fed.R.Civ.P.

5. Dispositive Motions. All case dispositive motions shall be filed by

_____.

6. Case Management Track. This case is assigned to the _____ case management track.

7. Modification of Pre-trial Schedule. The parties shall adhere to the schedule established herein. Requests for extensions of any of the deadlines will be granted only when extraordinary circumstances arise and application is timely made.

8. Pre-Trial Conference and Trial. The parties agree that the case may be appropriate for trial in _____ and have suggested a date in _____ for a pre-trial conference. As Judge Mariani will preside over

the trial, no dates are set for a final pre-trial conference or for the trial of this matter. However, by copy of this Order, Judge Mariani is being notified of the suggested dates.

JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

Dated: _____